

**MINUTES OF THE COURT OF APPEAL  
SECOND APPELLATE DISTRICT  
STATE OF CALIFORNIA**

**December 23, 1999**

DIVISION ONE

B131932      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 Marlene S. and Rene M.

The order is affirmed.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                 Masterson, J.

B131009      People    (Not for Publication)  
                 v.  
                 Green, Jr.

The judgment is affirmed.

Ortega, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B127925      People    (Not for Publication)  
                 v.  
                 Jenkins

We reverse the judgment and remand the matter for a new sentencing hearing at which the trial court is to dismiss one of the two prior strikes.

Ortega, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

December 23, 1999-Continued

## DIVISION ONE (Continued)

B132126      Dwyhalo      (Not for Publication)  
v.  
City Of Los Angeles et al.

The judgment is affirmed. The City is awarded its costs of appeal

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B120913 People (Not for Publication)  
v.  
Nieto et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

## DIVISION ONE (Continued)

[illegible]

We dismiss as moot the appeal from the order denying the trustee's motion to vacate the denial of certification of the bankruptcy settlement agreement. We affirm the orders denying the trustee's motion to vacate the fee award and overruling the trustee's objections to the fee order. Respondent Ingham is awarded costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B129912 People (Not for Publication)  
v.  
Cifuentes

The judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting the \$400 parole revocation fine.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B125220      Slawinski      (Not for Publication)  
v.  
Bassoni

We affirm the judgment. Respondent Slawinski is awarded costs.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

December 23, 1999-Continued

## DIVISION ONE (Continued)

B123691      Schaertel                      (Not for Publication)  
v.  
Stanbury

The judgment is reversed, and the cause is remanded to the trial court with directions to sustain the demurrer to the fourth cause of action for breach of contract *with* leave to amend, and otherwise to sustain the demurrers *without* leave to amend, and to fix the time within which the defendant may respond to the amended complaint. The parties are to pay their own costs of appeal, subject to reallocation by the trial court at the time a final judgment is entered in this cause.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

## DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J, (Assigned) and G. Villanueva, Deputy Clerk.

B130122      Broiles et al.  
v.  
City of Sierra Madre

Merits:  
Argued by Linda Thornton for appellants and by Michael Montgomery for respondent. Cause submitted.

DIVISION TWO (Continued)

B122111     People  
              v.  
              Quintero  
              Morfin

Merits:

Argued by Thomas Ono for appellant Quintero and by Donald Oeser, deputy attorney general, for respondent. Appellant Morfin waived oral argument. Cause submitted.

B121371     Valdivia  
              v.  
              MCE Corp.

Merits:

Argued by David Ettinger for appellant and by Stephen Harris for respondent. Cause submitted.

B125034     Woods  
              v.  
              Centinela Hospital

Merits:

Argued by Robert Brown for appellant and by Adrian Guidotti for respondent. Cause submitted.

B125783     Yedlin  
              v.  
              Franchise Tax Board

Merits:

Argued by Raymond Jue, deputy attorney general, for appellant and by William Holcomb for respondent. Cause submitted.

DIVISION TWO (Continued)

B127981     Wall Street Plaza  
              v.  
              Lerner

Merits:

Argued by Corey Spivey for appellant and by Frederick Stern for respondent. Cause submitted.

B131020     Pacific Palisades Residents  
              v.  
              City of Los Angeles  
              Pacific Telesis Group

Merits:

Argued by Jack Allen for appellant, by Sandra Thomas, deputy city attorney, for respondent City of Los Angeles and by Bart Kimball for respondent Pacific Telesis. Cause submitted.

B131812     Orlandi  
              v.  
              Girardi & Keese

Merits:

Argued by Richard Marmaro for appellant Orlandi, by Richard Kinnan for appellant Girardi & Keese and by Paul Reitler for respondent Norwest Corp. Cause submitted.

Court adjourned.

DIVISION THREE

B126503      G. John Parker                      (Not for Publication)  
                 v.  
                 Robert Baker et al.

The order is reversed and remanded to the trial court for a redetermination of attorney fees. Costs on appeal are awarded to appellants.

Aldrich, J.

We concur: Klein, P.J.  
                 Croskey, J.

B117069      Lupe Langan  
                 v.  
                 City of El Monte

Filed order vacating submission order of September 24, 1999 due to the press of other court business and the complexity of the issues. Cause resubmitted.

DIVISION FOUR

B132414      People                                      (Not for Publication)  
                 v.  
                 Strong

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
                 Hastings, J.

DIVISION FOUR (Continued)

B127372      Hershman et al.                      (Not for Publication)  
                 v.  
                 New Line Cinema Corporation et al.

Because plaintiffs have never had a chance to address the issue of duty in an amended pleading, the judgment of dismissal is reversed and the matter is remanded to the trial court to allow plaintiffs to amend their complaint. Costs are awarded to appellant.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Curry, J.

B127982      Sharda                                      (Not for Publication)  
                 v.  
                 Xylan Corporation et al.

The judgment is reversed. Costs on appeal are awarded to appellant.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

DIVISION FIVE

B132628      Los Angeles County, D.C.F.S.  
                 v.  
                 German T.  
                 In re Danielle T.

Memorandum issued to Supreme Court with recommendations on publication.